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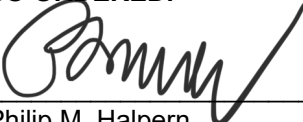
Via ECF

Hon. Philip M. Halpern, U.S.D.J.
United States District Court
Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Application granted in part.

This case shall not be re-opened at this time. The deadline for Plaintiff's response to the Court's December 2, 2022 Order to Show Cause is extended to January 18, 2023.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
January 11, 2023

Re: Motion to Reconsider Dismissal and Reopen, and for Extension of Time to Show Cause
Bermejo Sanago v. Ruby Nails Tarrytown, Inc., No. 20-cv-08245 (PMH),
(S.D.N.Y.)

Your Honor,

I represent the Plaintiff in the above-referenced matter and am the attorney assigned to this matter. I write respectfully to request that the Court reconsider its dismissal of the above-referenced matter and grant a short extension of time, to January 18, 2023 (*i.e.*, 14 days from the original deadline), to respond to the Court's Order to Show Cause.

The Court's Order came down on December 2, 2022. However, on November 28, 2022, at about 3:10 PM, following the order of Judge Torres that I be tested having exhibited visible symptoms during trial of the matter *Yuan v. Hair Lounge Inc.*, No. 18-cv-11905 (AT) (BCM), (S.D.N.Y.), I was diagnosed with COVID-19. *See* Ex. 1 (text message reporting result of antigen test). Per the CDC's operative guidelines to isolate for five days, I began isolating on November 28, 2022. December 2, 2022 was the fifth day since my diagnosis, and I was still feeling poorly—because of this, I missed the Court's Order to Show Cause served December 2, 2022. *See* Dkt. No. 99.

Law office failure stemming from neglect to monitor electronic filings, that is not willful or the result of bad faith, is excusable. *See, e.g., Farmer v. Cty. of Westchester*, No. 18-cv-02691 (NSR), at *4 (S.D.N.Y. May 31, 2020); *Evans v. New York City Health*, No. 21-cv-10378 (PAE) (VF), 2022 U.S. Dist. LEXIS 213973, at *7 (S.D.N.Y. Nov. 28, 2022) (collecting cases); *see also Medley v. United States*, 2022 U.S. Dist. LEXIS 59367 (M.D. Ga. Mar. 31, 2022) (excusing missed deadline specifically due to lawyer contracting COVID-19).

I thank the Court for its attention to and consideration of this matter.

Respectfully submitted,
TROY LAW, PLLC

/s/ Aaron B. Schweitzer

Aaron B. Schweitzer
Attorney for Plaintiff